

January 2, 2024

The Town Council of the Town of Middlebury met in regular session at the Town Hall, Middlebury, IN at 6:00pm, January 2, 2024. The meeting was called to order by Council presiding officer, Miranda Cripe. Everyone in attendance took part in the Pledge of Allegiance.

Upon the roll call, the following members of the Council were present:

Karl Miller, Mike Holloway, Miranda Cripe, Jeremy Yahwak, and Chuck Teall

Jackson Beck, Attorney, Mary Cripe, Town Manager and ChaLi' Kuiper, Clerk-Treasurer were also present.

2024 COUNCIL OFFICERS AND COMMISSIONERS:

ChaLi' Kuiper opened the election process with nominations for Council President. Chuck Teall nominated Miranda Cripe. Mike Holloway seconded the nomination. This motion was passed with a roll call vote – yes for all.

Miranda Cripe continued the election process with nominations for Council Vice President. Chuck Teall nominated Jeremy Yahwak and Mike Holloway seconded the motion. This passed with a voice vote.

Miranda Cripe then announced the following appointments for 2024.

Utilities Commissioner – Jeremy Yahwak
Public Works Commissioner – Karl Miller
Park Commissioner (Including Park Board) – Mike Holloway
Police Commissioner – Chuck Teall
Personnel Commissioner – Miranda Cripe

MINUTES:

Karl Miller moved to approve the minutes from the December 29, 2023 meeting. Chuck Teall seconded. This passed with a voice vote with Jeremy Yahwak abstaining.

PUBLIC COMMENTS:

Gail Monroe – 804 Staci Lane – Miranda Cripe let her know that she should have the new agreement soon. It hasn't been sent yet as Miranda received the agreement on Friday and it was not passed on over the holiday weekend. Ms. Monroe stated that she did not agree with the wording of the minutes for the November 20, 2023 meeting and stated that they don't feel like they all losing all power, but that they are having their rights taken away. Ms. Monroe also stated that no one has done any follow-up regarding their concern of water in the basement from the meter change out. She stated that it was not AUS's fault but stemmed from the sewer project. Miranda Cripe asked who did the plumbing to their home. Ms. Monroe stated that she did not know as there were many people in and out due to the sewer project.

Miranda Cripe welcomed the new council members Jeremy Yahwak and Mike Holloway. She also welcomed new Clerk-Treasurer ChaLi' Kuiper.

ACCOUNTS PAYABLE VOUCHERS:

The following Accounts Payable Vouchers were reviewed and approved on a motion by Chuck Teall and seconded by Mike Holloway. The motion passed with a voice vote.

Accounts Payable Vouchers – January 2, 2024

\$627,200.32

UNFINISHED BUSINESS:

Mary Cripe requested to award the contract to Niblock for the East Warren Street Sanitary Sewer project in the amount of \$911,209.85. This would include the base bid minus items #43 and #44 due to a potential error of the amount of kilowatts needed but also add in the alternate bid. The Community Crossings Matching Grant fund cannot pay for items #28-31. This would be contingent on funds from the Elkhart County Redevelopment. Mike Holloway motioned to award the contract to Niblock in the amount of \$911,209.85 contingent on receiving funds from Elkhart County Redevelopment and Karl Miller seconded. This passed with a voice vote.

Jackson Beck presented the In Lieu of Annexation for LEJN. There were some revisions made to allow the business to continue to follow the Elkhart County sign ordinances as well as changes to reflect the easement along County Road 12. Mary Cripe has not yet received the agreement back. This was tabled.

NEW BUSINESS:

Miranda Cripe once again welcomed the new council members Jeremy Yahwak and Mike Holloway along with Clerk-Treasurer ChaLi' Kuiper

Miranda Cripe presented the following Appointments of Town Services for 2024

Legal Services – Yoder, Ainlay, Ulmer & Buckingham, LLP
Financial Services – Baker Tilley Municipal Advisors, LLC
Depository Services – First State Bank of Middlebury
Legal Notice Media Services – *Middlebury Independent*

Chuck Teall asked if there was a reason we continue with First State Bank of Middlebury. Chuck stated he knows Elkhart County had changed but wasn't sure why. It was agreed that it is something worth looking into but in order to switch, the benefit has to be greater than what we are receiving as it is a hassle to switch everything. These appointments were accepted under the advice of the council and passed with a voice vote.

Jackson Beck explained the agreement for legal services with Yoder, Ainlay, Ulmer & Buckingham, LLP. He noted that this outlined the fees charged for services. Chuck Teall motioned to approve the agreement for legal services with Yoder, Ainlay, Ulmer & Buckingham, LLP and Jeremy Yahwak seconded. This passed with a voice vote.

A Uniform Conflict of Interest Disclosure Statement was presented for Miranda J. Cripe for Miller's Garage of Middlebury, Inc. Jeremy Yahwak motioned to approve the disclosure and Mike Holloway seconded. This passed with a voice vote with Miranda Cripe abstaining.

A Uniform Conflict of Interest Disclosure Statement was presented for Mary Cripe for ERGO Resource Management. Jeremy Yahwak motioned to approve the disclosure and Karl Miller seconded. This passed with a voice vote.

A Uniform Conflict of Interest Disclosure Statement was presented for Mary Cripe for Everett J. Prescott, Inc. also known as EJP. Mike Holloway motioned to approve the disclosure and Jeremy Yahwak seconded. This passed with a voice vote.

The Council appointed Barb Spice as a member of the Park Board. Chuck Teall motioned to approve the appointment and Mike Holloway seconded. This passed with a voice vote.


Appointment of Redevelopment Commission members – The current Redevelopment Commission members are willing to serve another year, if re-appointed by the Town Council. The current members are Chuck Teall, Scott Miller, Gary Cripe, Don Shuler, and John Mansfield. Miranda Cripe selected to re-appoint Chuck Teall and Scott Miller as Redevelopment Commission members. Mike Holloway motioned to approve the re-appointment of Chuck Teall and Scott Miller as Redevelopment Commission members with Town Council appointing Gary Cripe, John Mansfield, and Don Shuler. Karl Miller seconded the motion. This passed with a voice vote.

Mary Cripe presented a contract with Middlebury Township for their donation to the Summer Fun Program held by the Middlebury Park Department. The contract lists the amount to be donated and what the funds can be used for. Mike Holloway motioned to accept the contract with Middlebury Township for Summer Fun and Karl Miller seconded. This passed with a voice vote.

ANNOUNCEMENTS:

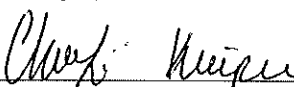
- a. Elk. Co. Redevelopment Commission on January 4, 2024 at 2:00pm at Elk. Co. Adm. Bldg.
- b. Middlebury Tree Board on January 4, 2024 at 7:00pm at Town Hall
- c. Elk. Co. Plat Committee Meeting on January 11, 2024 at 8:30am at Elk. Co. Adm. Bldg.
- d. Elk. Co. Plan Commission Meeting on January 11, 2024 at 9:30am at Elk. Co. Adm. Bldg.
- e. Town Council Meeting on January 15, 2024 at 6:00pm at Town Hall

The meeting was adjourned.



Miranda Cripe, Town Council President

ATTEST:



ChaLi' Kuiper, Clerk-Treasurer